



AF Itw

Patent
Attorney Docket No.: 003300-743

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application:)	
)	
Magnus NILSSON)	
)	
Application No.: 09/780,504)	Group: 3627
)	
Filed: February 12, 2001)	Examiner: J. McClellan
)	Conf No.: 7099
Title: A METHOD AND A SYSTEM)	
FOR AUTOMATED)	
BOOKKEEPING)	

BRIEF FOR APPELLANT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: Mail Stop Appeal Brief - Patents

Sir:

Further to the Notice of Appeal filed September 2, 2004, Applicant files herein this Appeal Brief. This appeal is from the decision of the Examiner dated March 2, 2004, finally rejecting claims 1 - 20. All claims pending in the application, namely claims 1 - 20 are reproduced as an Appendix to this Brief.

The September 2, 2004 filing of the Notice of Appeal provided for a period for filing an Appeal Brief set to expire November 2, 2004. The Commissioner is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

I. Real Party in Interest

The entire interest in the present application, and the invention to which it is directed, is assigned to CAPAXIAS AB, a corporation duly organized under and pursuant to the laws of Sweden and having its principal place of business at H. Lindgrens Gata 6, SE-421 31 Västra Frölunda, Sweden; said assignment being recorded in the United States Patent and Trademark Office at Reel 011762, Frame 0764.

II. Related Appeals and Interferences

The Applicant's legal representative or assignee does not know of any other appeals, interferences, or judicial proceedings which are related to, will directly affect, or will be directly affected by or have a bearing on the Board's decision in this appeal.

III. Status of the Claims

This application was originally filed with claims 1 - 20, with claims 10 - 20 being added to the specification by preliminary amendment filed with the application on February 12, 2001. No claims were added or canceled during the course of prosecution of the application before the U.S. Patent and Trademark Office. Therefore, claims 1 - 20 are currently pending in the application. Claims 1 - 20 stand finally rejected under 35 USC § 102(e). Accordingly, claims 1 - 20 are the subject of the present appeal. A correct copy of all pending claims, comprised of the claims on appeal, is attached as an Appendix to this Brief.

IV. Status of Amendments

A Response was filed July 2, 2004 in response to the March 2, 2004 final Office Action. No claim amendments were submitted with the July 2, 2004 Response, and an Advisory Action was mailed August 5, 2004 stating that the arguments presented in the July 2, 2004 Response do not place the application in condition for allowance. No further responses or amendments have been filed in response to the March 2, 2004 final Office Action.

V. Summary of the Claimed Subject Matter

Exemplary embodiments of the Applicant's invention, as recited in independent claims 1 and 9, are directed to a method and a system for automated book-keeping, wherein a banking service application and an account service application reside on a server, with the server being accessible to a client across a network (specification at page 2, lines 20 - page 3, line 2; Fig. 1, elements 1, 4, 2, 20, and 21). The account service application is connected to a book-keeping database (page 6, lines 7 - 9; Fig. 1, elements 21 and 6). Data for conducting a banking service transaction is received at the server by entry by a user (page 6, lines 26 - 31; Fig. 2, element S3). The banking service transaction is performed, as well as the account

service application, wherein at least part of the received data is used as accounting information in the account service application for updating the book-keeping database (page 2, lines 15 - 10; page 7, lines 22 - 29; Fig. 2, elements S7 - S9).

VI. Grounds of Rejection to be Reviewed on Appeal

A. Claims 1 - 20 stand rejected under 35 USC § 102(e) as being anticipated by U.S. Patent Application No. 2001/0027420 to Boublik et al.

VII. Argument

A. Rejection of claims 1 - 20 under 35 USC § 102(e) As Being Anticipated by U.S. Patent Application No. 2001/0027420 to Boublik et al.

1. Claim 1 is Patentable Over Boublik et al.

Independent claim 1 stands rejected under 35 USC § 102(e) as being anticipated by U.S. Patent Application No. 2001/0027420 to Boublik et al. Under a rejection based on 35 USC § 102(e), the Examiner bears the burden of showing where every limitation in the patent claims is taught in a single prior art reference. *General Electric Co. v. Nintendo Co.*, 50 USPQ2d 1910, 1915, 1918-19 (CAFC 1999); MPEP § 706.2. The Applicant respectfully asserts that the Boublik et al. document, contrary to the requirements of 35 USC § 102(e), fails to teach or suggest all of the features recited in claim 1.

The Applicant's claimed invention is directed to a server-based method for automated book-keeping, wherein a banking service application and an account service application reside on a server (specification at page 2, line 20 - page 3, line 2). Data received for the banking service application is available as accounting information for the account service application (specification at page 2, lines 15 - 19; page 7, lines 22 - 28). By capturing the data for the banking application for subsequent information for the account service application, automatic synchronization between the banking balance and the bookkeeping data is achieved easily and efficiently (specification at page 10, lines 12 - 15).

In contrast, The Boublik et al. system is directed to an online buying transaction wherein information associated with the buying transaction can be imported into the purchaser's accounting package (Boublik et al. at ¶ 0032, 0050, 0052, 0060). A user of the Boublik et al. system connects to an online purchase site, and the system automatically

captures information associated with a buying transaction (§ 0050, 0052). The captured data can be parsed and imported to the user's accounting package (§ 0050, 0060).

Embodiments of the Applicant's invention are directed to a banking service application wherein usual banking services such as payments, money transfers, etc. are conducted (application at page 5, line 35 - page 6, line 6). While banking services include loan payments, they do not include online purchasing. Not only is Boublik et al. expressly limited to online purchasing transactions for the capture of accounting data, the Boublik et al. application is completely and expressly silent regarding any banks, banking applications, or banking transactions whatsoever. Accordingly, Boublik et al. also fails to disclose any data in a banking service application being subsequently used as accounting information in an account service application, as recited in claim 1. The Office Action, on page 5, cites to paragraphs 0031 and 0032 for disclosing the required banking service application. However, these paragraphs and the Office Action's paraphrasing of them disclose only accounting transactions (collecting and converting purchasing transaction information). Significantly, Fig. 1 of Boublik et al., which is discussed in paragraph 0031 as being illustrative of the Boublik et al. system, discloses only two procurement sites, a small business user/client (buyer), and a network and server -- no bank is disclosed in the figure; nor is a bank or any banking services disclosed anywhere in the Boublik et al. reference. To adopt the reasoning of the Office Action -- that the accounting transactions of paragraphs 0031 and 0032 are equivalent to the banking service transactions recited in claim 1, would render independent claim 1 herein meaningless -- because the first limitation of claim 1 would then read, according to the interpretation of the Office Action, as "providing a server with an accounting service application and an account service application . . . "

The August 5, 2004 Advisory Action admits that Boublik et al. is limited to a purchasing system, but asserts that "Boublik's purchasing system is analogous to a banking service application because Boublik's system involves the exchange of money." As support for this assertion, the Advisory Action cites to Webster's Collegiate Dictionary as defining a bank as an "establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds." The Applicant respectfully submits that the reliance of the Office Action, as supplemented by the Advisory Action, on the Boublik et al. reference is misplaced because Boublik et al. fails to disclose a bank or any banking transaction whatsoever, not even those asserted by the Advisory Action.

Significantly, the Advisory Action has failed to assert where any of these bank activities are disclosed in the Boublik et al. reference. The reason for this lack of citation is because Boublik et al. does not disclose any such activities. Nowhere does Boublik et al. disclose taking custody of money, loaning money, exchanging money, or issuing money. As is well known in the art of banking and accounting transactions, a bank exchanges money for money -- such as replacing worn currency or exchanging different currencies -- not exchanging money for a purchased product, as contemplated by Boublik et al. (see Boublik et al. at ¶ 0003). Boublik et al. is similarly silent regarding the extension of credit or facilitating the transmission of funds, which the Advisory Action asserted are representative of a bank.

It is respectfully submitted that Boublik et al. fails to disclose or even suggest at least the banking service application of independent claim 1. Nor does Boublik et al. disclose data for a banking transaction also being used as accounting information in an account service application for updating a book-keeping database, as also recited in claim 1. Since Boublik et al. fails to disclose every feature recited in claim 1, it cannot reasonably be said that the Boublik et al. application anticipates Applicant's claimed combinations, as required by 35 USC § 102. Accordingly, claim 1 is believed to be patentably distinguishable over the Boublik et al. document, and it is respectfully requested that the rejection of claim 1 be reversed.

2. Claim 9 is Patentable Over Boublik et al.

Independent claim 9 stands rejected under 35 USC § 102(e) as being anticipated by U.S. Patent Application No. 2001/0027420 to Boublik et al. Under a rejection based on 35 USC § 102(e), the Examiner bears the burden of showing where every limitation in the patent claims is taught in a single prior art reference. *General Electric Co. v. Nintendo Co.*, 50 USPQ2d 1910, 1915, 1918-19 (CAFC 1999); MPEP § 706.2. The Applicant respectfully asserts that the Boublik et al. document, contrary to the requirements of 35 USC § 102(e), fails to teach or suggest all of the features recited in claim 9.

The Applicant's claimed invention is directed to a server-based system for automated book-keeping, wherein a banking service application and an account service application reside on a server (specification at page 2, line 20 - page 3, line 2). Data received for the banking service application is available as accounting information for the account service application (specification at page 2, lines 15 - 19; page 7, lines 22 - 28). By capturing the

data for the banking application for subsequent information for the account service application, automatic synchronization between the banking balance and the bookkeeping data is achieved easily and efficiently (specification at page 10, lines 12 - 15).

In contrast, The Boublik et al. system is directed to an online buying transaction wherein information associated with the buying transaction can be imported into the purchaser's accounting package (Boublik et al. at ¶ 0032, 0050, 0052, 0060). A user of the Boublik et al. system connects to an online purchase site, and the system automatically captures information associated with a buying transaction (¶ 0050, 0052). The captured data can be parsed and imported to the user's accounting package (¶ 0050, 0060).

Embodiments of the Applicant's invention are directed to a server comprising a banking service application wherein usual banking services such as payments, money transfers, etc. are conducted (application at page 5, line 35 - page 6, line 6). While banking services include loan payments, they do not include online purchasing. Not only is Boublik et al. expressly limited to online purchasing transactions for the capture of accounting data, the Boublik et al. application is completely and expressly silent regarding any banks, banking applications, or banking transactions whatsoever. Contrasting Fig. 1 of the present application with Fig. 1 of the Boublik et al. application, wherein both figures illustrate the systems of the respective inventions, shows the distinctions between the two systems. Significantly, the Boublik et al. system and network of its Fig. 1 fail to disclose a server comprising a banking service application, much less a server comprising both a banking service application and a separate account service application, as recited in claim 9 herein. Instead, Fig. 1 of the Boublik et al. reference is expressly limited on its face to a procurement system, wherein the server is separate from either of the two procurement sites and fails to disclose any banking service application (see also Boublik et al. at Fig. 8). Boublik et al. also fails to disclose any data in a banking service application being subsequently used as accounting information in an account service application, as also recited in claim 9.

The Office Action, on page 5, cites to paragraphs 0031 and 0032 for disclosing the required banking service application. However, these paragraphs and the Office Action's paraphrasing of them disclose only accounting transactions (collecting and converting purchasing transaction information). Significantly, Fig. 1 of Boublik et al., which is discussed in paragraph 0031 as being illustrative of the Boublik et al. system, discloses only two procurement sites, a small business user/client (buyer), and a network and server -- no

bank is disclosed in the figure; nor is a bank or any banking services disclosed anywhere in the Boublik et al. reference. To adopt the reasoning of the Office Action -- that the accounting transactions of paragraphs 0031 and 0032 are equivalent to the banking service transactions recited in claim 9, would render independent claim 9 herein meaningless -- because the first limitation of claim 9 would then read, according to the interpretation of the Office Action, as "a server, said server comprising an accounting service application and an account service application . . . "

The August 5, 2004 Advisory Action admits that Boublik et al. is limited to a purchasing system, but asserts that "Boublik's purchasing system is analogous to a banking service application because Boublik's system involves the exchange of money." As support for this assertion, the Advisory Action cites to Webster's Collegiate Dictionary as defining a bank as an "establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds." The Applicant respectfully submits that the reliance of the Office Action, as supplemented by the Advisory Action, on the Boublik et al. reference is misplaced because Boublik et al. fails to disclose a bank or any banking transaction, not even those asserted by the Advisory Action. Significantly, the Advisory Action has failed to assert where any of these bank activities are disclosed in the Boublik et al. reference. The reason for this lack of citation is because Boublik et al. does not disclose any such activities. Nowhere does Boublik et al. disclose taking custody of money, loaning money, exchanging money, or issuing money. As is well known in the art of banking and accounting transactions, a bank exchanges money for money -- such as replacing worn currency or exchanging different currencies -- not exchanging money for a purchased product, as contemplated by Boublik et al. (see Boublik et al. at ¶ 0003). Boublik et al. is similarly silent regarding the extension of credit or facilitating the transmission of funds, which the Advisory Action has asserted are representative of a bank.

It is respectfully submitted that Boublik et al. fails to disclose or even suggest at least the banking service application of independent claim 9. Nor does Boublik et al. disclose data for a banking transaction also being used as accounting information in an account service application for updating a book-keeping database, as also recited in claim 9. Since Boublik et al. fails to disclose every feature recited in claim 9, it cannot reasonably be said that the Boublik et al. application anticipates Applicant's claimed combinations, as required by 35 USC § 102. Accordingly, claim 9 is believed to be patentably distinguishable over the

Boublik et al. document, and it is respectfully requested that the rejection of claim 9 be reversed.

3. Claims 2 - 8 and 10 - 20 are Patentable Over Boublik et al.

Dependent claims 2 - 8 and 10 - 20 stand rejected under 35 USC § 102(e) as being anticipated by U.S. Patent Application No. 2001/0027420 to Boublik et al. Under a rejection based on 35 USC § 102(e), the Examiner bears the burden of showing where every limitation in the patent claims is taught in a single prior art reference. *General Electric Co. v. Nintendo Co.*, 50 USPQ2d 1910, 1915, 1918-19 (CAFC 1999); MPEP § 706.2. The Applicant respectfully asserts that the Boublik et al. document, contrary to the requirements of 35 USC § 102(e), fails to teach or suggest all of the features recited in claims 2 - 8 and 10 - 20.

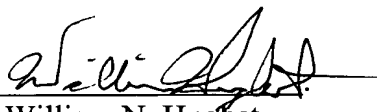
Claims 2 - 8 and 10 - 20 depend from claim 1 and include all the features of that claim plus additional features which are not taught or suggested by the Boublik et al. document. For example, claims 5 and 12 recite that the account data comprises information of value-added tax related to the transaction, which is neither taught nor suggested by the Boublik et al. reference. The Office Action on page 3 asserts that “it is inherent that tax-related data is included in accounting applications.” The Applicant respectfully disagrees and further asserts that “tax-related data” is not broadly recited in the claims. Instead, “information of value-added tax” is recited in claims 5 and 12. At best, the Office Action could assert that “sales tax” is related to the purchasing transactions of Boublik et al. However, the present claims do not recite “sales tax” either. Therefore, for at least this reason and further for the reasons presented above regarding claim 1, it is submitted that claims 2 - 8 and 10 - 20 patently distinguish over the Boublik et al. document.

Since Boublik et al. fails to disclose every feature recited in claims 2 - 8 and 10 - 20, it cannot reasonably be said that the Boublik et al. application anticipates Applicant’s claimed combinations, as required by 35 USC § 102. Accordingly, claims 2 - 8 and 10 - 20 are believed to be patentably distinguishable over the Boublik et al. document, and it is respectfully requested that the rejection of claims 2 - 8 and 10 - 20 be reversed.

Conclusion

In summary, the Applicant respectfully submits that the Examiner has failed to show where the Boublik et al. reference cited under 35 USC § 102(e) anticipates each of the features recited in claims 1 - 20. More specifically, the Examiner has not shown how or where the prior art teaches or suggests all the claimed limitations. Accordingly, the Applicant respectfully requests the rejection of claims 1 - 20 be reversed.

Respectfully submitted,
Burns, Doane, Swecker & Mathis, L.L.P.

By: 
William N. Hugnet
Reg. No. 44,481

P.O. Box 1404
Alexandria, Virginia 22314-0404
Telephone: (703) 836-6620
Facsimile: (703) 836-2021

Date: November 1, 2004.

VIII. Claims Appendix

**All Pending Claims, Including The Claims Under Appeal,
Namely Claims 1 - 20**

1. (Previously Presented) A method for at least partly automated bookkeeping, comprising:
providing a server with a banking service application and an account service application, said server being accessible to at least one client through a wide area network, wherein said account service application is connected to a book-keeping database, receiving, at said server, data representing instructions for at least one transaction, using said data in the banking service application for conducting the transaction, using at least part of said data as accounting information in the account service application for updating said book-keeping database.
2. (Original) A method according to claim 1, wherein the transaction is a payment instruction.
3. (Previously Presented) A method according to claim 1, wherein the received data further comprises account data connected to the transaction instruction data.
4. (Original) A method according to claim 3, wherein the account data comprises account identification.
5. (Original) A method according to claim 3, wherein the account data comprises information of value-added tax related to the transaction.
6. (Previously Presented) A method according to claim 1, comprising the further step of transmitting a network accessible document in response to a request transmitted by the client to said server, said document comprising entering fields for formalized input of information of a user on the client side.
7. (Previously Presented) A method according to claim 1, further comprising searching the book-keeping database for previously entered account data items similar to the received

data regarding at least one predetermined parameter, and if such similar accounting data items are found, suggest additional accounting data to be stored in the book-keeping database in connection with the newly received accounting information in accordance with information in the found accounting data items.

8. (Original) A method according to claim 7, wherein the predetermined parameter is the identity of the payment receiver.

9. (Previously Presented) A system for at least partly automated book-keeping, comprising:

a server, said server comprising a banking service application and an account service application, wherein the server is accessible to at least one client through an wide area network,

a book-keeping database connected to said account service application,

wherein said server is adapted to use data representing instructions for at least one transaction received through said network from said client in the banking service application for conducting the transaction, and further to use at least part of said data as accounting information in the account service application for updating said book-keeping database.

10. (Previously Presented) A method according to claim 2, wherein the received data further comprises account data connected to the transaction instruction data.

11. (Previously Presented) A method according to claim 10, wherein the account data comprises account information.

12. (Previously Presented) A method according to claim 10, wherein the account data comprises information of value-added tax related to the transaction.

13. (Previously Presented) A method according to claim 2, comprising the further step of transmitting a network accessible document in response to a request transmitted by the client and said server, said document comprising entering fields for formalized input of information of a user on the client side.

14. (Previously Presented) A method according to claim 3, comprising the further step of transmitting a network accessible document in response to a request transmitted by the client and said server, said document comprising entering fields for formalized input of information of a user on the client side.

15. (Previously Presented) A method according to claim 10, comprising the further step of transmitting a network accessible document in response to a request transmitted by the client and said server, said document comprising entering fields for formalized input of information of a user on the client side.

16. (Previously Presented) A method according to claim 4, comprising the further step of transmitting a network accessible document in response to a request transmitted by the client and said server, said document comprising entering fields for formalized input of information of a user on the client side.

17. (Previously Presented) A method according to claim 2, further comprising searching the book-keeping database for previously entered accounting data items similar to the received data regarding at least one predetermined parameter, and if such similar accounting data items are found, suggest additional accounting data to be stored in the book-keeping database in connection with the newly received accounting information in accordance with information in the found accounting data items.

18. (Previously Presented) A method according to claim 3, further comprising searching the book-keeping database for previously entered accounting data items similar to the received data regarding at least one predetermined parameter, and if such similar accounting data items are found, suggest additional accounting data to be stored in the book-keeping database in connection with the newly received accounting information in accordance with information in the found accounting data items.

19. (Previously Presented) A method according to claim 10, further comprising searching the book-keeping database for previously entered accounting data items similar to the

received data regarding at least one predetermined parameter, and if such similar accounting data items are found, suggest additional accounting data to be stored in the book-keeping database in connection with the newly received accounting information in accordance with information in the found accounting data items.

20. (Previously Presented) A method according to claim 2, further comprising searching the book-keeping database for previously entered accounting data items similar to the received data regarding at least one predetermined parameter, and if such similar accounting data items are found, suggest additional accounting data to be stored in the book-keeping database in connection with the newly received accounting information in accordance with information in the found accounting data items.

VA 453671.1